

## District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Beckley

Date: 7/14/2009

Case Number 5:09-cr-65

Case Style: USA vs. Ricky Nichols

Type of hearing Plea Hearing

Before the honorable: 2515-Johnston

Court Reporter Teresa Harvey

Courtroom Deputy Kierstin Tudor

Attorney(s) for the Plaintiff or Government Thomas Ryan

Attorney(s) for the Defendant(s) J. Steven Hunter

Law Clerk Wesley Page

Probation Officer Peggy Adams

### Trial Time

### Non-Trial Time

Plea Hearing

### Court Time

11:08 am to 11:48 am

Total Court Time: 0 Hours 40 Minutes Non-Trial Time/Uncontested Time

### Courtroom Notes

Scheduled Start 10:00 a.m.

Actual Start 11:08 a.m.

Defendant present in person and by counsel.

Defendant placed under oath.

Court finds Defendant competent to go forward.

Court's concerns re: that statute charged, and the parties written responses, are addressed.

Mr. Ryan summarizes plea agreement.

Court defers acceptance of plea agreement but orders original plea agreement filed.

Defendant waives reading of Information.

Court reads statute with which Defendant is charged.

Defendant advised of elements of offense which Government would have to prove at trial.

Defendant advised of the penalties which may apply based upon the plea.

Defendant advised of right to be indicted.

Defendant executes waiver of indictment; same witnessed by counsel.

Court accepts wavier of indictment.

Defendant advised of right to plead not guilty, to remain silent, and to stand trial.

Court asks Government to provide factual basis for the plea.

Government relies upon the Stipulation of Facts for its factual basis.

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Court calls upon Defendant to enter a plea.

Defendant pleads guilty to Count One of the Information, and executes written guilty plea form.

Court finds Defendant is competent and capable of entering an informed plea.

Court finds Defendant's plea to be voluntary.

Court finds that Defendant understands the consequences of the plea.

Court finds that Defendant understands the rights being given up.

Court finds sufficient factual basis for Defendant's plea.

Court accepts plea.

Court defers adjudging Defendant guilty until the time of sentencing.

Defendant remanded pending sentencing.

Sentencing set for November 16, 2009, at 10:00 a.m.

Court recessed at 11:48 a.m.